

EXHIBIT 31
FEDEX ACCEPTABLE
CONDUCT POLICY
SECTION 2-5



2-5 Acceptable Conduct



(Last Revised 29 Sep 2019)

Policy

FedEx Express expects all employees to demonstrate the highest degree of integrity, responsibility, and professional conduct at all times.

Scope

All employees.

Guidelines

General

All employees are FedEx Express representatives whether on or off duty, especially when wearing a FedEx Express badge or uniform. Generally, employees will not be disciplined for legal off-duty conduct, except as otherwise set forth in this or any other FedEx Express policy.

Conduct Expectations

Acceptable conduct requires sincere respect for the rights and feelings of others as well as personal conduct in both business and personal life that is consistent with the FedEx Code of Business Conduct and Ethics.

Nothing in this policy is designed or intended to restrict communications by or between employees about wages, hours, or other terms and conditions of employment.

Audio Recording Prohibited. Audio recording conversations, meetings, or other business interactions is prohibited unless approved by an officer in the division and the FedEx Express Legal Department or the recording is done by the Security Department, Safety Department, or other authorized personnel conducting work-related investigations.

Photography and Video Recording Limited. In work, operational, and office areas, employees may not take any photos or videos whether indoors or outdoors. In non-work areas, employees may not take pictures or videos of vendors, contingent workers, or employees without their consent.

Note: Non-work areas include, but are not limited to, break rooms, cafeterias, rest rooms, and locker rooms.

This prohibition does not apply to the Safety and Security Departments or other authorized personnel conducting work-related investigations. Also see the [Use of Cameras and Camera Phones](#) guideline of [10-4 Phone and Camera Usage](#).

Workplace Violence. Violent or threatening behavior is not tolerated in the workplace. Workplace Violence is any behavior or action that puts someone in a state of fear or concern for their safety or the safety of other team members. Workplace violence can be physical, verbal, or emotional in nature. Workplace violence can include, but is not limited to: aggressive, sexual, or other unwelcome and offensive physical contact, bullying, threats, threatening gestures, stalking, or any verbal or physical act of hostility or aggression that is perceived to put anyone's safety at risk. All employees are responsible for advising management, the FedEx Express Security Department, HR, the Alert Line (1-866-423-3339), or People Help (1-800-274-4357) of any actual or potentially serious or violent situations as stated in the [Workplace Violence](#) guideline of [8-80 Security](#).

Misconduct

FedEx Express requires a high degree of personal integrity and responsibility of its employees. Suspected violations of FedEx Express or departmental rules may constitute misconduct for which an employee may be immediately suspended with pay, pending a complete investigation. All alleged violations should be thoroughly investigated and documented. Disciplinary decisions should be based on a logical analysis of the available evidence.

Although the following list is not all-inclusive or in any particular order, the following specific violations may result in severe disciplinary action, up to and including termination:

- Conviction of, a plea of "no contest," or admitting to committing a crime involving job-related conduct.
- Deliberate falsification of FedEx Express documents or records including, but not limited to, business reports, delivery and service records, including intentionally erroneous scan activity and intentional misuse of DEX scans, and time cards (e.g., start time or break times).

Note: Falsification of any FedEx Express document or record is a serious offense that can result in the issuance of a Warning Letter. See the following [Discharge Offense](#) guideline for the types of falsification that normally result in termination.

- Job-related fraudulent activities.
- Failure to notify management of an overpayment of wages upon discovery or when the employee reasonably should have discovered the overpayment.
- Repeated incidents of losing ID badges, possession of more than one ID badge, using a copy of an ID badge to gain unauthorized access to FedEx facilities, or failure to report a missing or stolen ID badge.
- Unauthorized possession or control of property belonging to FedEx Express, a customer, or another employee.
- Custodial loss of FedEx Express or customer property (e.g., losing a package once scanned into an employee's control).
- Failure to immediately report an aircraft strike or ground damage in accordance with [4-46 Operation of Ground Support Equipment \(GSE\) to Conduct FedEx Express Business – GSE Operator Positions](#).
- Failure to timely report a vehicle accident or occurrence in accordance with [8-90 Vehicle Accidents/Occurrences](#) and [4-49 Driving Positions – Violations and Disqualifications](#).
- Disruptive conduct, including fighting, while on duty or while on FedEx Express property or at Company functions.
- Insubordination, refusal to follow instructions, or perform assigned work in a timely manner without a valid reason.
- Using violent, threatening, intimidating, coercive, or abusive language; engaging in violent, threatening, intimidating, coercive, or abusive behavior; or displaying blatant or public disrespect toward or about any employee, customer, vendor, or member of the public while on duty, on FedEx Express property, or at off-site Company meetings and functions.
- Openly making or publishing maliciously false statements concerning FedEx Express, any employee, vendor, or customer.

Note: For more information regarding the appropriate and permissible use of social media, refer to the [Social Networking](#) guideline of [10-3 Company Resources](#) as well as the FedEx Social Media guidelines, which are accessible via keyword "socialmedia" on the intranet website: https://myfedex.sharepoint.com/sites/CIC/SiteAssets/Policies/Social_Media/Policy/socialmedia_guidelines_English.pdf.

- Sexual misconduct, sexual harassment, or inappropriate conduct of a sexual nature.
- Unprofessional, aggressive, or rude conduct towards any customer while on duty or in a FedEx Express uniform.
- Failure to report to management or Security the receipt of a subpoena, summons, or other service of process regarding any matter arising from the performance of job duties, as required by [2-71 Compliance and Business Conduct](#) and [8-80 Security](#).
- Damage, destruction, interruption of use, or defacement of FedEx Express property, facilities, information systems and applications, or equipment as a result of deliberate or negligent action.

Note: Any intentional cyberattack (e.g., hacking, installation or use of malware, phishing, denial of service, etc.) is considered a discharge offense and will normally result in termination.

- Unauthorized use of FedEx Express facilities, assets, or systems; including, but not limited to:
 - Personal use of COMAIL.
 - Use of FedEx Express long distance telephone facilities for personal calls.
 - Personal or other improper use of the FedEx Corporate name, logos, or trademarks.
- Misuse of the Internet or intranet or other violations of the [Information Security Standards](#) (keyword "infosec").
- Violation of FedEx Corporate safety regulations including, but not limited to:
 - Failure to wear/use protective equipment/devices when provided and/or required (e.g., seatbelts, safety shoes, ear and eye protection).
 - Requiring or allowing subordinates to perform work activities in an unsafe manner or under unsafe and/or unhealthy conditions.
 - Failure to ensure subordinates attend required safety training.

- Failure to have the driver-side sliding door or the bulkhead door closed when the vehicle is in motion.
- Failure to have the passenger-side sliding door closed when the vehicle is moving with a passenger on board. The only times the passenger side door may be open is when the vehicle is in motion with no passenger or when the vehicle is not in motion and is actually being loaded or unloaded.
- Violation of guidelines and/or policies for employee reduced-rate shipping, nonrevenue shipping, interline travel, or jumpseat privileges.
- Solicitation or distribution in violation of [10-55 Solicitation and Distribution](#).
- Leadership failure by a member of management.
- Throwing, abusing, dropping, or otherwise mishandling any customer package.

Discharge Offense

While any violation of the Acceptable Conduct policy could potentially result in termination of employment, an employee normally will be terminated upon completion of an investigation confirming violations related to:

- Falsification of the following FedEx Express documents and records:
 - Employment application or any other materials submitted in connection with an application for employment.
 - Legally required flight safety documentation.
 - Regulatory documents that could subject FedEx Express to fines or other sanctions.
 - An alteration of a time card or other record by management to avoid Hours of Service (HOS) violations.
 - An alteration of a time card or other time record by an employee to avoid a HOS violation and to conceal the violation(s) from management.
 - Any other FedEx Express documents or records if falsification was for personal gain or benefit, or to conceal an offense that normally would have warranted termination.

Note: Any questions or concerns related to whether a falsification-related violation should be considered as a misconduct or discharge offense should be directed to the Employment Law Group before disciplinary action is taken.

- Termination also normally results if investigation confirms falsification of a FedEx Express document or record and the employee has received a Warning Letter for falsification in the previous five years as stated in the [Warning Letter/Recurrent Patterns](#) guideline.

Note: If discipline less than termination is being considered for falsification that is a discharge offense, management must obtain approval from the divisional managing director and matrix HR Manager before the discipline is issued.

- Unauthorized possession of firearms or other prohibited weapons on FedEx Express property, as specified in [8-10 Firearms/Weapons](#).

Note: Termination for violating [8-10 Firearms/Weapons](#) is normally warranted; however, any alleged firearms/weapons violation must be reviewed by the Firearms and Weapons Committee, which is made up of the Vice Presidents of the Legal, Security, and HR Departments. Requests for review should be submitted by HR and/or management to the Corporate HR Support Department.

Note: Employees who access the GFTP process after termination for firearms/weapons policy violations will proceed directly to the Appeals Board, which must have the concurrence of the Firearms and Weapons Committee to modify or overturn termination decisions. However, employees who are disciplined, but not terminated, for firearms/weapons policy violations will begin at Step 1 of the GFTP (See [5-5 Guaranteed Fair Treatment Procedure](#)).

- Drug and alcohol policy violations as specified in [2-10 Alcohol and Drug-Free Workplace](#).

Note: Employees who access the GFTP process after termination for drug or alcohol policy violations will proceed directly to Step 2 (See [5-5 Guaranteed Fair Treatment Procedure](#)).

- Violation of the [Confidentiality](#) guideline for the survey questionnaire as specified in [5-70 Survey/Feedback/Action \(SFA\) Program](#).
- Failure to obtain or continue to possess all required and applicable security clearances and/or statuses.

Investigative/
Disciplinary
Suspensions

Investigative Suspension. If necessary, an investigative suspension provides time for management to further investigate a violation. The employee receives pay while on investigative suspension. Management should hold the employee's ID badge while the employee is on an investigative or disciplinary suspension. The employee must receive notice of the suspension in writing. An investigative suspension may be changed to a disciplinary suspension without pay as outlined in the [Disciplinary Suspension](#) and [Warning Letter/Recurrent Patterns](#) guidelines.

Note: When no additional information is necessary for management to make a decision, termination may occur immediately and without an investigative suspension, provided final wages can be paid in accordance with applicable state law. For example, if an employee admits to terminable misconduct, or there is video footage of that misconduct, or both, an investigative suspension is unnecessary.

Note: The matrix HR Manager and the Employment Law Group must be consulted before a paid suspension is changed to an unpaid suspension.

Investigative suspensions should be completed as soon as possible, normally within seven calendar days. The employee normally should be informed of the decision within seven calendar days after the completion of the investigation.

Disciplinary Suspension. If a manager decides not to terminate an employee for a serious policy violation, the manager may issue a Warning Letter and a disciplinary suspension without pay. When appropriate, managers may change an investigative suspension to a disciplinary suspension without pay. Disciplinary suspensions are given only when they are deemed to be in the best interest of FedEx Express and the infraction is of a severe nature. A disciplinary suspension must be in writing in the form of a Warning Letter outlining the reasons for the suspension and the applicable dates.

Documented
Counselings

Even if management concludes that a policy violation does not warrant discipline, management may choose to counsel the employee about acceptable conduct. When an employee receives counseling, the manager should enter the information into the Workday system. After entry, the employee must log onto the Workday system and verify his/her knowledge of the counseling. If the employee refuses to acknowledge a counseling, a witness (another member of management, HR Advisor/Representative, or HR Manager) will be requested in Workday by the issuing manager. The witnessing party must immediately log onto the Workday system to witness the counseling. Managers have the option of issuing a separate written memo to assist in communicating expectations and to memorialize the discussion. However, counselings must be documented in the Workday system even if no separate written memo or synopsis of the discussion was prepared by the manager.

Note: Documented counselings are ineligible for the GFTP process because they are not disciplinary in nature (See [5-5 Guaranteed Fair Treatment Procedure](#)).

A documented counseling/OLCC is not disciplinary in nature, but it may be considered as a factor when determining whether discipline (i.e., Warning Letter, Performance Reminder, or termination) is warranted. It may also be considered when reviewing an employee's work history to identify patterns of conduct, performance issues, or recurrent problems.

Warning Letter/
Recurrent
Patterns

Note: All disciplinary actions normally should be initiated within seven calendar days after the conclusion of the investigation.

Warning Letter. Based upon the results of the investigation, management may return the employee to work and issue a Warning Letter as a means of discipline for the policy violation (See [Documentation](#) guideline and website: https://hronline.corp.fedex.com/training_secure/ldl/index.shtml for a sample Warning Letter). Warning Letters serve as a notification of behavioral deficiency and are active for 12 months from the date a Warning Letter is issued, but will not prohibit applying for a job change in Workday. However, an active job-related Warning Letter may affect the selection decision for a period of 12 months. The hiring manager, in consultation with the matrix HR Advisor/Representative or HR Manager, should determine if the conduct noted in the active Warning Letter is related to the posted position (this time period is adjusted forward based upon the number of days an employee spends on a leave of absence). Disciplinary Suspensions may be given when appropriate and must be outlined in a Warning Letter (See [Investigative/Disciplinary Suspensions](#) guideline).

Note: For purposes of discipline, the term "active" includes all discipline (i.e., Warning Letters and Performance Reminders) an employee accrues from the date that discipline was issued for a period of 12 months. During the time any discipline remains active, such active discipline may impact selection decisions and can also affect future discipline, up to and including

termination (See [Recurrent Patterns](#) guideline for the disciplinary implications of active discipline).

Recurrent Patterns. Recurrent patterns of misconduct cannot be tolerated. Normally, a recurrent pattern of misconduct consists of at least two occurrences of the same or similar conduct in the past five years. However, an employee's entire employment history is reviewed and taken into consideration when evaluating patterns of misconduct. A repeated deficiency which has been addressed previously through [2-5 Acceptable Conduct](#) can result in more severe disciplinary action, up to and including termination. However, progressive discipline is not required and issuance of a Warning Letter or Performance Reminder is not a prerequisite for termination.

Note: When an employee receives a second deficiency notification within 12 months (i.e., Warning Letter and/or Performance Reminder), the second deficiency notification should advise the employee that termination normally occurs if a third notification of deficiency is received within a 12-month period, regardless of the type of the third notification.

Note: A Decision Day is only initiated when the second notification of deficiency qualifies as a Performance Reminder (See [2-50 Performance Improvement](#)).

The receipt of three notifications of deficiency within a 12-month period normally results in termination. However, an employee's entire employment history should be reviewed. Based on the severity of the occurrence an employee may be terminated with less than three notifications of deficiency within a 12-month period. Management should consider the relative nature of all infractions for disciplinary purposes.

Impact on Internal Workday Applications. Active discipline does not automatically prohibit an employee from submitting an internal application if the skills required in the posted position are different from the problem areas noted in the current position. However, employees must understand that selection for open positions at FedEx Express is highly competitive and behavioral problems may reduce their probability of being the successful candidate.

An internal application in Workday must be submitted to the manager in compliance with [4-15 Career Opportunity](#). The hiring manager, in consultation with the matrix HR Advisor/Representative or HR Manager, should determine if the behavioral problems noted in the active discipline are related to the duties of the posted position. If the discipline is determined to be job-related, it may affect the selection decision.

Termination Option Exercised. Failure to correct behavioral deficiencies will result in termination by FedEx Express. Management is responsible for reviewing an employee's disciplinary record and exercising judgment in determining appropriate action.

Discharge Approval. Two levels of management and a matrix HR Advisor/Representative or HR Manager must approve all terminations based on misconduct when the individual holds a managing director or below position. For positions above managing director, the matrix HR Managing Director should be consulted.

Termination Letters.

REFER TO: [4-90 Termination, Termination Letter](#) guideline and https://hronline.corp.fedex.com/training_secure/dl/index.shtml.

Termination Option Not Exercised. If a manager chooses not to discharge an employee who has three notifications of deficiency within a 12-month period, the manager must prepare a written explanation of the rationale and maintain it permanently in a department/station file. An information copy must also be sent to the matrix HR Manager.

Documentation

Management must completely document all actions taken related to misconduct. All notifications of deficiency (i.e., Warning Letters, Performance Reminders, and Termination Letters) must contain the following information:

- Date of infraction;
- Facts supporting the Warning Letter, Performance Reminder, and/or termination;
- Policy violated; and
- A reference to the employee's privilege to pursue the grievance process outlined in [5-5 Guaranteed Fair Treatment Procedure](#).

Note: When an employee is terminated, management must also provide that employee with a paper copy of the following documents: (1) Termination Letter, (2) the appropriate GFTP

Form(s), which can be obtained from the matrix HR Advisor/Representative, and (3) a copy of [5-5 Guaranteed Fair Treatment Procedure](#).

Verification/ Retention of Disciplinary Notifications

An employee's electronic signature confirms receipt of any disciplinary letter. When an employee refuses to acknowledge a disciplinary letter, a witness (preferably another manager) must confirm receipt or the receipt should be verified through Workday. The manager must:

- Retain all documents; and
- Provide a copy to the employee and matrix HR Advisor/Representative.

Note: All discipline will be retained in Workday upon employee or witness acknowledgement.

Criminal Charges

Because FedEx Express is committed to the safety and well-being of its employees, customers, and the general public, the Company has an interest in the conduct of its employees if that conduct results in certain criminal charges or in any criminal conviction.

Employee Responsibility. All employees are responsible for immediately notifying their manager no later than the next day the employee is scheduled to work if they have been charged with or indicted for any of the criminal offenses listed below, whether felony or misdemeanor. Employees are not required to report being charged with or indicted for crimes that are not listed.

Well Being of Self and Others.

- Any drug-related offense (possession, use, sale, manufacture, distribution, intent to sell, manufacture, or distribute)
- Murder
- Manslaughter (involuntary or voluntary)
- Assault with intent to murder
- Aggravated Assault or Assault (including charges resulting from "domestic violence" or "road rage")
- Aggravated Battery or Battery (including charges resulting from "domestic violence" or "road rage")
- Child Abuse (including child pornography)
- Rape (child or adult victim)
- Sexual Abuse, Sexual Assault, or other sexual offenses, including indecent exposure (child or adult victim)
- Any crime involving an aircraft or occurring on an aircraft or at an airport
- Terrorism-related offenses
- Conspiracy to commit any of the above

Integrity of Property.

- Arson
- Robbery (armed or unarmed)
- Burglary
- Theft (including shoplifting)
- Extortion or Bribery
- Fraud, forgery, or misrepresentation (including identity theft, passing/writing bad checks, or unauthorized credit card use)
- Willful destruction of property (including vandalism)
- Possession or distribution of stolen property
- Any crime involving an aircraft or occurring on an aircraft or at an airport
- Conspiracy to commit any of the above

Employees are required to report criminal charges listed above and criminal convictions no later than the next scheduled work day. Failure to do so may result in disciplinary action, up to and including termination.

Note: Conviction includes a finding of guilt, guilty plea, a plea of "no contest" (nolo contendere), or acceptance of deferred adjudication or diversion. However, in some states, a deferred

adjudication or diversion is not considered a conviction. Consult with the Employment Law Group for assistance.

Note: When an employee reports or FedEx Express otherwise learns of a conviction, the manager should obtain a written statement, place the employee on paid investigative suspension, and refer to [Table 1](#) and the [Decisions Regarding Degree of Discipline and Continued Employment](#) guideline.

Note: Employees are not required to report off-duty driving violations and accidents even if their positions are otherwise covered by [4-49 Driving Positions – Violations and Disqualifications](#) and [8-90 Vehicle Accidents/Occurrences](#), provided they have not also been charged with any of the listed crimes. Convictions for off-duty driving offenses, including DUI/Refusal to Test, are addressed in [4-49 Driving Positions – Violations and Disqualifications](#). Such convictions are not required to be reported by employees who are not covered by the scope of [4-49 Driving Positions – Violations and Disqualifications](#).

Management Responsibility. Upon notification that an employee has been charged with or indicted for a crime or crimes listed above, management should immediately take the employee's written statement. Once the written statement is received, management should immediately place the employee on paid investigative suspension, and obtain the employee's ID badge. As soon as practicable, management should contact their matrix HR Advisor/Representative and the Employment Law Group to determine whether the charged conduct is sufficiently related to an employee's job functions to warrant further investigation.

If it is determined that an investigation should be conducted with assistance from the matrix HR Advisor/Representative, Security Department and the Employment Law Group, management's investigation should include: (1) the employee's written statement, (2) a copy of the police report, and (3) any other official documentation, including a copy of the complaint or indictment.

Note: The police report is a source of information that can be used to assist FedEx Express with its investigation. For example, it may contain the names of witnesses that the Security Department could choose to interview.

Note: A written statement from the employee is not required if the employee is incarcerated.

Incarceration. FedEx Express does not allow employees to use paid time off or unpaid personal leave for time spent in jail regardless of the reason for the incarceration. If an employee is scheduled to work and calls in or has someone else call in requesting time off while he or she is incarcerated, the employee should be considered to be unavailable for work and placed on an unpaid investigative suspension for up to seven calendar days from the date of incarceration.

If the employee becomes available to return to work during the unpaid investigative suspension, the absence will be addressed as an unscheduled absence in accordance with [1-20 Attendance](#).

If the employee is not available to return to work within seven calendar days from the date of incarceration, the employee's employment is terminated. This termination is classified as a "voluntary resignation" because the employee is unavailable to report to work.

Upon management learning of the incarceration, a letter should be sent to the employee's home address on record in Workday outlining the application of this policy. A template for this letter is available at: https://hronline.corp.fedex.com/training_secure/ldl/index.shtml.

Determination of Job-Relatedness Procedure. The listed charges identified above are of interest to FedEx Express due to the seriousness of the underlying alleged conduct associated with them. These charges are all considered to have potential consequences at work, given the fundamental nature of FedEx Express business. However, each case must be examined to determine if the alleged conduct is job-related.

FedEx Express is committed to the safety and well-being of its employees, customers, and the general public. Considerable FedEx Express business occurs in commercial and residential areas where employees are unsupervised by management and are, by the very nature of their position, welcomed into businesses and residences to perform their job duties. FedEx Express also has a desire to protect both the property customers entrust to us and the Company's assets. Being aware of the specified charges will assist FedEx Express in reducing the risk of an employee engaging in such conduct while on Company time or in a Company uniform.

However, not all employees have customer contact or access to customer property or FedEx Express assets. Even if an employee reports one of the charges listed above, he or she does not automatically remain suspended or removed from his or her current position pending disposition of the charge(s). An employee may be temporarily assigned to a position where he or she could not engage in the alleged conduct that resulted in the charge(s). Each situation involving a charge or charges must be considered on a case-by-case basis for actual job-relatedness. [Table 1](#) outlines the procedure to be followed when an employee has been charged with or indicted for a criminal offense listed above. If a listed charge is determined to be related to an employee's job duties and the employee either admits to engaging in the conduct or the evidence establishes the employee engaged in the conduct, the employee may be counseled, disciplined, or terminated as appropriate (See [Table 1](#)).

If the alleged conduct is related to the employee's job duties, but it cannot be concluded that the employee engaged in the conduct and the conduct is related to that employee's job duties, then the employee's paid suspension is converted to a suspension without pay, or, if work is available that does not involve the alleged job-related conduct, the employee can be temporarily reassigned pending resolution of the charge(s) against the employee or the acquisition of additional information that will allow management to make a final decision (See [Table 1](#)).

If it is determined that the charge is not related to the employee's job duties, no employment action is taken.

It is the employee's ongoing responsibility to provide management with information regarding the status of the charge(s) and the disposition/resolution of the criminal matter. If the criminal charges are not resolved within 12 months of the original charge, the status of the criminal proceeding will be reviewed by the manager, matrix HR Advisor/Representative, and the Employment Law Group to determine the action to be taken regarding the employee's employment status.

Even if a listed criminal charge does not result in employment action, a criminal conviction may. For that reason, employees are required to report convictions for all crimes and must do so no later than their next scheduled work day. Failure to do so may result in disciplinary action, up to and including termination.

Table 1
Procedure When an Employee is Charged with or Indicted for a Listed Criminal Offense

Employee	1. Immediately notifies their manager no later than the next day the employee is scheduled to work after being charged with or indicted for a listed criminal offense.
Manager	2. Upon discovery of or upon notification by the employee of a listed charge, obtains the employee's statement and suspends the employee with pay. As soon as possible, consults with the matrix HR Advisor/Representative and the Employment Law Group to determine whether the charge is related to the employee's current job duties. If so, further investigation should be conducted (See Investigative/Disciplinary Suspensions guideline). If the charge is not related to the employee's job duties, the employee is returned to work and told to inform management if he or she is convicted as defined in this policy.

Table 1

Procedure When an Employee is Charged with or Indicted for a Listed Criminal Offense (Continued)

Management	<p>3. With the Security Department, matrix HR Advisor/ Representative, and the Employment Law Group, conducts an investigation.</p> <p>a. If the conduct involved is determined to not be related to the employee's job duties, returns the employee to work.</p> <p>b. If the conduct is determined to be related to the employee's job duties and it is not known whether or not the employee engaged in the conduct, suspends the employee without pay or if alternative work is available, the employee may be temporarily reassigned pending resolution of the charge(s) or more information.</p> <p>c. If the conduct is determined to be related to an employee's job duties and it is determined that the employee did engage in the conduct, counsels, disciplines, or terminates the employee as appropriate.</p> <p>Note: See Decisions Regarding Degree of Discipline and Continued Employment guideline below.</p>
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Decisions Regarding Degree of Discipline and Continued Employment. Engaging in the conduct, admitting to the conduct or the disposition (e.g., conviction, guilty plea, "no contest" plea, acquittal, dismissal without prosecution, or diversion) does not automatically determine whether an employee is retained (with counseling or discipline) or terminated. The decision to retain or terminate the employee depends upon the impact the decision and the relevant facts have on other employees, FedEx Express, and current or potential customers.

The decision to continue employment with FedEx Express is made by management and the matrix HR Advisor/Representative or HR Manager in consultation with the Legal Department. The decision should be based on the:

- Nature of the conduct;
- FedEx Express policy and/or practice regarding the conduct*;
- Severity of the charge;
- Employee's past work history;
- Effect on other FedEx Express employees, customers, and the general public;
- Extent of the relationship between the charge and the employee's current job functions; and
- Any mitigating circumstances.

* For example, all charges and convictions involving illegal possession and/or use of drugs are considered related to all job duties based on FedEx Express policy.

Back Pay Determination

Suspended employees who are permitted to return to work after resolution of the charge(s) may receive back pay. The issue of back pay is reviewed on a case-by-case basis at the officer level of the employee's division and is entirely within management's discretion. There is no entitlement to back pay and management is not required to explain its decision in any specific case.

Employment at Will

The employment relationship between FedEx Express and any employee may be terminated at the will of either party as stated in the employment application. As described in that application, the policies and procedures set forth in this manual provide guidelines for management and employees during employment, but do not create contractual rights.

Employee Response/ Complaints

Any employee who feels he or she is the recipient of unwarranted discipline should discuss the problem informally with his or her manager and/or matrix HR Advisor/Representative, and/or use the grievance process outlined in [5-5 Guaranteed Fair Treatment Procedure](#).

Related Policies

- [1-5 Medical Absence Pay Period](#)
- [1-6 Leave of Absence \(Medical\)—Exempt/Staff Hourly](#)
- [1-7 Medical Absence Pay Period—Operations Hourly and Step Progression](#)
- [1-8 Leave of Absence \(Medical\)—Operations Hourly and Step Progression](#)
- [1-20 Attendance](#)
- [1-45 Leave of Absence \(Family\)](#)
- [1-50 Leave of Absence \(Military\)](#)
- [1-55 Leave of Absence \(Personal\)](#)
- [2-10 Alcohol and Drug-Free Workplace](#)
- [2-50 Performance Improvement](#)
- [2-71 Compliance and Business Conduct](#)
- [4-15 Career Opportunity](#)
- [4-46 Operation of Ground Support Equipment \(GSE\) to Conduct FedEx Express Business – GSE Operator Positions](#)
- [4-49 Driving Positions – Violations and Disqualifications](#)
- [4-50 Close Personal Relationships](#)
- [4-90 Termination](#)
- [5-5 Guaranteed Fair Treatment Procedure](#)
- [5-6 Internal EEO Complaint Process](#)
- [5-70 Survey/Feedback/Action \(SFA\) Program](#)
- [7-35 Reduced-rate Shipping and FedEx Office Discount](#)
- [7-47 Jumpseat](#)
- [8-10 Firearms/Weapons](#)
- [8-30 Identification of Personnel](#)
- [8-80 Security](#)
- [8-90 Vehicle Accidents/Occurrences](#)
- [10-3 Company Resources](#)
- [10-4 Phone and Camera Usage](#)
- [10-5 Confidential Information Protection](#)
- [10-55 Solicitation and Distribution](#)

Related Publications

- *The Profit Manual*
- *The Safety Manual*
- [The Information Security Standards](#)

Related Resources

- The Alert Line: 1-866-423-3339
- People Help: 1-800-274-4357
- Intranet keywords: “socialmedia”, “infosec”, and “gftp”
- https://myfedex.sharepoint.com/sites/CIC/SiteAssets/Policies/Social_Media/Policy/socialmedia_guidelines_English.pdf
- https://hronline.corp.fedex.com/training_secure/dl/index.shtml